

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: October 6, 2003
)	
Philip M. Skillman)	DOCKET NO.: 03F-086
Assistant Corporation Counsel)	
Office of the Corporation Counsel)	
1861 California Street, NW, #2)	
Washington, DC 20009)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Philip M. Skillman, Assistant Corporation Counsel, Office of the Corporation Counsel, failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 8, 2003, OCF ordered Philip M. Skillman (hereinafter respondent), to appear at a scheduled hearing on August 19, 2003 and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 18, 2003, OCF received a Request That Order To Appear At Hearing Be Vacated, Or In The Alternative, That The Subject Hearing Be Continued from respondent. In his Request, respondent stated he filed the required FDS on August 10,

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2003. Respondent further stated that the Interim Corporation Counsel initially required him to file under a redundant provision of law requiring counsels to file financial information. This requirement was subsequently withdrawn. Respondent asserts he confused the two filing requirements and believed he had been excused from filing an FDS with OCF. Respondent further asserts that his full disclosure and explanation should release him from the obligation to appear at the hearing, and that his appearance would prevent his performance as a public servant.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was a delinquent filer under Docket No. 02F-114, which Order of the Director was vacated on December 31, 2002 on the grounds that he was a novice to the FDS filing requirement for the calendar year 2001.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
3. Respondent filed the required Financial Disclosure Statement on August 10, 2003.
4. Respondent asserts he confused the filing of OCF's Financial Disclosure Statement with the Confidential Statement of Employment and Financial Interests he is required also to file.
5. Respondent's explanation for the filing delinquency in part mirrors his explanation for failure to timely file the required report in the previous filing period.
6. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.

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3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$1,700.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent failed to provide a basis for a finding of good cause.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director impose a fine of \$500.00 fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that a fine of \$500.00 be hereby imposed in this matter.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3 DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.